APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,385	09/30/2003	Jeyhan Karaoguz	15013US02	6838

7590   01/11/2010

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EXAMINER
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ART UNIT	PAPER NUMBER
2427	

MAIL DATE	DELIVERY MODE
01/11/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/675,385	KARAOGUZ ET AL.
	Examiner	Art Unit	
	PATRICK A. RYAN	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>14 September 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-34</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-34</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20100105

DETAILED ACTION

1.   This Office action is made in response to Amendment ("Reply"), filed September

14, 2009. Applicant has amended Claims 1, 11, and 21; as added Claims 32-34; and

no claims have been canceled. As amended, Claims 1-34 are presented for

examination.

2.   In Office action mailed April 13, 2009 ("Office Action"):

       Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over

Ellis et al. United States Patent (6,774,926 B1), in view of Ludvig et al., United States

Patent (7,506,355 B2).

Response to Arguments

3.   Applicant's arguments, see Reply Pages 10-12, with respect to Claims 1, 11, and

21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
   the prior art are such that the subject matter as a whole would have been obvious at the time the
   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
   Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis

et al. United States Patent (6,774,926 B1), hereinafter "Ellis" in view of Walker et al.

United States Patent Application Publication (2001/0034708 A1), hereinafter "Walker" in

view of Russell et al. United States Patent Application Publication (2002/0069420 A1),

hereinafter "Russell".

6.   In regards to Claim 1, Ellis teaches a method for providing media in a

communication network (the method generally shown in Figs. 15-18 for operating the

communications network of Fig. 1 that is further detailed in Fig. 7, as described in Col. 7

Line 33—Col. 8 Line 16, Col. 13 Lines 56-60, and Col. 14 Lines 34-39), the method

comprising:

          communicating between a first location and <u>a web server of</u> a non-broadcast

channel provider (Contributor at User Equipment 34 of Fig. 1 (also shown as element

102 of Fig. 7) in communication with Program Schedule Database 54 over

Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col.

4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the

interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

          <u>selecting said media offered by the non-broadcast channel provider</u> (interface of

Fig. 14 allowing the Contributor to specify the location of the programming to be

uploaded or provided in real time, as described in Col. 11 Lines 60-64);

          generating a request from said first location (Contributor schedules programming

at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43;

with further reference to Col. 3 Lines 55-66) to receive<u>, at a second location that is</u>

remote to the first location, said media provided by said non-broadcast channel provider

(Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving

media from Server 112 according to the schedule provided by Program Schedule

Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line

54—Col. 14 Line 33);

      sending the generated request to a media exchange server via the

communication network that comprises Internet infrastructure (receive video at

intermediate transmission facility at Step 224 of Fig. 15, such as Server 112 of Fig. 7, as

described in Col. 12 Lines 44-46) the media exchange server providing device IP

registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line

11);

      providing authorization information to said non-broadcast channel provider which

provides said authorization information to said media exchange server via the Internet

infrastructure (Contributor establishes a password for personal television channel in

Option 200 of Fig. 14 to ensure that only the Contributor is able to modify the data

associated with the personal channel, as described in Col. 11 Lines 53-64); and

      receiving, at the second location, said media from a storage location other than

said non-broadcast channel provider, the media exchange server arranging for the

storage location to push said media to said second location (Program Schedule

Database 54 provides media to Viewer according to schedule established by

Contributor in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14

Lines 14-61; wherein the video may be received at an intermediate transmission facility,
such as Server 112, as described in Col. 12 Lines 43-46).

Ellis describes a media exchange server, such as Server 112, acting as an
intermediate transmission facility for the Contributor and the Data Storage Facility 52 in
order to provide media to the Viewer (as described in Col. 12 Lines 43-57), but does not
explicitly disclose providing payment information to said non-broadcast channel provider
or the media exchange server serving as a proxy between the first location, the non-
broadcast channel provider and the storage location, wherein said non-broadcast
provider is unaware of the destination of said media.

In a similar field of invention, Walker teaches a system and method for
establishing anonymous communications between a plurality of party terminals, a
plurality of requestor terminals, and a central controller (Abstract). Walker describes
Central Controller 200 serving as a proxy by controlling the flow of data to and from
Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of
the Party and Requester terminals (as described in Paragraphs [0046-0052, 0056,
0058, 0163] and as shown in Figs. 1 and 2A). Walker additionally discloses Central
Controller 200 acting as a media exchange server (as described in Paragraph [0052];
with further reference to Storage Device 250 of Fig. 2A). Walker also teaches that
Central Controller 200 "debits the requestor's billing account stored in Database 275
and transmits a bill to the requester" (Paragraph [0171]).

Both Ellis and Walker demonstrate similar techniques of providing multimedia
content using a media exchange server. Ellis teaches a media exchange server, such

as Server 112, acting as an intermediate transmission facility for the Contributor and the
Data Storage Facility 52 in order to provide media to the Viewer. Walker teaches
Central Controller 200 acting as a media exchange server and additionally
demonstrates the server acting as a proxy to provide anonymous communication
between Party and Requester terminals. It would have been obvious to one of ordinary
skill in the art at the time of the invention to modify the media exchange server of Ellis to
operate as a proxy for anonymous communication, as taught by Walker, in order to
protect the identity of the communicating parties (as Walker suggests in Paragraphs
[0008-0009]).

    The combination of Ellis and Walker teaches a media exchange server, but does
not explicitly disclose <u>the media exchange server providing digital rights management</u>.

    In a similar field of invention, Russell teaches a system and method for delivery
of electronic content to recipient processors, such as a movie rental (Abstract).
Russell's system includes Main Server 12 of Figs. 1 and 2, which functions as a media
exchange server (as described in Paragraphs [0004, 0032]). Russell additionally
discloses that Main Server 12 provides licenses to decrypt multimedia content protected
by digital rights management technology (as disclosed in Paragraph [0097]).

    Each of Ellis, Walker, and Russell demonstrate similar techniques for providing
multimedia content using a media exchange server. Russell additionally teaches using
a media exchange server to provide digital rights management. It would have been
obvious to one of ordinary skill in the art at the time of the invention to modify the media
exchange server of Ellis and Walker to include digital rights management, as taught by

Russell, in order to prevent the content from being decrypted without a valid and enabled license (as Russell discussed in Paragraph [0013]).

7.   In regards to Claim 2, the combination of Ellis, Walker, and Russell teaches the method according to Claim 1, comprising presenting a representation of said transferred received media in one or both of a media guide and/or a channel guide at said first location and/or said second location (Ellis teaches Provide Schedules and Program Information at Step 238 of Fig. 17, as described in Col. 14 Lines 24-33; with further reference to the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8).

8.   In regards to Claim 3, the combination of Ellis, Walker, and Russell teaches the method according to Claim 1, comprising consuming said received media at said second location (Ellis teaches user television equipment, such as a set-top box, displays the selected program upon selection, as described in Col. 9 Lines 48-67; with further reference to Col. 7 Lines 33-57).

9.   In regards to Claim 4, the combination of Ellis, Walker, and Russell teaches the method according to Claim 1, comprising requesting that said received media be transferred from said storage location to said second location (Ellis teaches redistribution of program content from Server 112 to Viewer at User Equipment 104, as described in Col. 7 Lines 38-47, in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61).

10.   In regards to Claim 5, the combination of Ellis, Walker, and Russell teaches the method according to Claim 4, comprising transferring an identifier of said second

location to said non-broadcast channel provider (Ellis teaches Viewer at User
Equipment 104 can be required to enter a password in order to gain access to a
personal media channel, as disclosed in Col. 11 Line 53—Col. 12 Line 16, in
accordance with Step 248 of Fig. 18, as described in Col. 23-35).

11.   In regards to Claim 6, the combination of Ellis, Walker, and Russell teaches the
method according to Claim 4, comprising presenting a representation of said transferred
received media in one or both of a media guide and/or a channel guide at said second
location (Ellis teaches Provide Schedules and Program Information at Step 238 of Fig.
17, as described in Col. 14 Lines 24-33; with further reference to the Interactive
Television Program Guide of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8).

12.   In regards to Claim 7, the combination of Ellis, Walker, and Russell teaches the
method according to Claim 4, wherein said media is consumed at said second location
(Ellis teaches user television equipment, such as a set-top box, displays the selected
program upon selection, as described in Col. 9 Lines 48-67; with further reference to
Col. 7 Lines 33-57).

13.   In regards to Claim 8, the combination of Ellis, Walker, and Russell teaches the
method according to Claim 4, wherein said non-broadcast channel provider authorizes
said storage location to transfer said media to one or both of said first location and/or
said second location (Ellis teaches Viewer at User Equipment 104 can be required to
enter a password in order to gain access to a personal media channel hosted by Data
Storage Facility 52, as disclosed in Col. 11 Line 53—Col. 12 Line 16, in accordance with
Step 248 of Fig. 18, as described in Col. 23-35).

14.   In regards to Claim 9, the combination of Ellis, Walker, and Russell teaches the method according to Claim 1, comprising searching said non-broadcast channel provider for information related to said media according to said generated request (Search Feature 190 of Fig. 13, as described in Col. 11 Lines 26-51, in accordance with Step 228 of Fig. 16, as described in Col. 13 Line 58—Col. 14 Line 4).

15.   In regards to Claim 10, the combination of Ellis, Walker, and Russell teaches the method according to Claim 1, comprising selecting said received media for consumption (Ellis teaches Viewers may select programming of interest by highlighting the program titles and channels for the desired programming using the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Lines 41-47).

16.   In regards to Claim 32, the combination of Ellis, Walker, and Russell teaches the method according to Claim 1, comprising:

        communicating, via the Internet infrastructure, between the media exchange server and the storage location (Ellis teaches Communications Network 40 of Fig. 1, similarly shown as 106 in Fig. 7, which can be the Internet, as described in Col. 3 Lines 8-54 and Col. 10 Lines 17-32);

        tracking billing and services by the media exchange server (Walker teaches tracking of billing and services, as disclosed in Paragraph [0171]); and

        providing program setup and management by the media exchange server (Ellis teaches that the video may be received at an intermediate transmission facility, such as Server 112, as described in Col. 12 Lines 43-46).

17.   In regards to Claim 33, the combination of Ellis, Walker, and Russell teaches the

method according to Claim 1, wherein the non-broadcast channel provider provides on-

demand movies (Ellis generally discuses the storage and distribution video content, as

described in Col. 12 Lines 43-46. Russell teaches the storage and distribution of

movies as a form of video content, as disclosed in Paragraph [0002]), on-demand music

(Russell teaches the music files as a form of downloadable multimedia content, as

disclosed in Paragraph [0002]) and advertising (Ellis teaches the distribution of

advertisements, as disclosed in Col. 10 Lines 45-49).

18.   In regards to Claim 11, Ellis teaches a machine-readable storage having stored

thereon, a computer program having at least one code section that provides media in a

communication network (Servers, such as Server 112 or 118, performing tasks related

to supporting personal television channel programming in accordance with the methods

of Figs. 17 and 18, as described in Col. 13 Lines 56-60 and Col. 14 Lines 34-39), the at

least one code section being executable by a machine for causing the machine to

perform steps comprising:

        setting up communications between a first location and a web server of a non-

broadcast channel provider over the communication network (Contributor at User

Equipment 34 of Fig. 1 (also shown as element 102 of Fig. 7) in communication with

Program Schedule Database 54 over Communications Network 40, as shown in Fig. 1

and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where

communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—

Col. 12 Line 16);

selecting said media offered by the non-broadcast channel provider (interface of

Fig. 14 allowing the Contributor to specify the location of the programming to be

uploaded or provided in real time, as described in Col. 11 Lines 60-64);

generating a request from said first location (Contributor schedules programming

at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43;

with further reference to Col. 3 Lines 55-66) to receive, at a second location that is

remote to the first location, said media from said non-broadcast channel provider

(Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving

media from Server 112 according to the schedule provided by Program Schedule

Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line

54—Col. 14 Line 33);

sending the generated request to a media exchange server via the

communication network that comprises Internet infrastructure (receive video at

intermediate transmission facility at Step 224 of Fig. 15, such as Server 112 of Fig. 7, as

described in Col. 12 Lines 44-46), wherein the media exchange server providing device

IP registration (internet address information, as described in Col. 13 Line 66—Col. 14

Line 11);

providing authorization information to said web server of said non-broadcast

channel provider which provides said authorization information to said media exchange

server via the communications infrastructure (Contributor establishes a password for

personal television channel in Option 200 of Fig. 14 to ensure that only the Contributor

is able to modify the data associated with the personal channel, as described in Col. 11

Lines 53-64); and <u>wherein said request and said authorization information received by</u>

<u>said media exchange server causes the media exchange server to push said media</u>

<u>from a storage location to said second location</u> (Program Schedule Database 54

provides media to Viewer according to schedule established by Contributor in

accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61;

wherein the video may be received at an intermediate transmission facility, such as

Server 112, as described in Col. 12 Lines 43-46).

Ellis describes a media exchange server, such as Server 112, acting as an

intermediate transmission facility for the Contributor and the Data Storage Facility 52 in

order to provide media to the Viewer (as described in Col. 12 Lines 43-57), but does not

explicitly disclose providing payment information to said non-broadcast channel provider

or <u>the media exchange server serving as a proxy between the first location, the non-</u>

<u>broadcast channel provider and the storage location, wherein said non-broadcast</u>

<u>provider is unaware of the destination of said media.</u>

In a similar field of invention, Walker teaches a system and method for

establishing anonymous communications between a plurality of party terminals, a

plurality of requestor terminals, and a central controller (Abstract). Walker describes

Central Controller 200 serving as a proxy by controlling the flow of data to and from

Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of

the Party and Requester terminals (as described in Paragraphs [0046-0052, 0056,

0058, 0163] and as shown in Figs. 1 and 2A). Walker additionally discloses Central

Controller 200 acting as a media exchange server (as described in Paragraph [0052];

with further reference to Storage Device 250 of Fig. 2A). Walker also teaches that

Central Controller 200 "debits the requestor's billing account stored in Database 275

and transmits a bill to the requester" (Paragraph [0171]).

Both Ellis and Walker demonstrate similar techniques of providing multimedia

content using a media exchange server. Ellis teaches a media exchange server, such

as Server 112, acting as an intermediate transmission facility for the Contributor and the

Data Storage Facility 52 in order to provide media to the Viewer. Walker teaches

Central Controller 200 acting as a media exchange server and additionally

demonstrates the server acting as a proxy to provide anonymous communication

between Party and Requester terminals. It would have been obvious to one of ordinary

skill in the art at the time of the invention to modify the media exchange server of Ellis to

operate as a proxy for anonymous communication, as taught by Walker, in order to

protect the identity of the communicating parties (as Walker suggests in Paragraphs

[0008-0009]).

The combination of Ellis and Walker teaches a media exchange server, but does

not explicitly disclose the media exchange server providing digital rights management.

In a similar field of invention, Russell teaches a system and method for delivery

of electronic content to recipient processors, such as a movie rental (Abstract).

Russell's system includes Main Server 12 of Figs. 1 and 2, which functions as a media

exchange server (as described in Paragraphs [0004, 0032]). Russell additionally

discloses that Main Server 12 provides licenses to decrypt multimedia content protected

by digital rights management technology (as disclosed in Paragraph [0097]).

Each of Ellis, Walker, and Russell demonstrate similar techniques for providing

multimedia content using a media exchange server. Russell additionally teaches using

a media exchange server to provide digital rights management. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the media

exchange server of Ellis and Walker to include digital rights management, as taught by

Russell, in order to prevent the content from being decrypted without a valid and

enabled license (as Russell discussed in Paragraph [0013]).

19.   The limitations of Claim 12 have been address with the machine-readable

storage of Claim 11 and the method of Claim 2.

20.   The limitations of Claim 13 have been address with the machine-readable

storage of Claim 11 and the method of Claim 3.

21.   The limitations of Claim 14 have been address with the machine-readable

storage of Claim 11 and the method of Claim 4.

22.   The limitations of Claim 15 have been address with the machine-readable

storage of Claim 11 and the method of Claim 5.

23.   The limitations of Claim 16 have been address with the machine-readable

storage of Claim 11 and the method of Claim 6.

24.   The limitations of Claim 17 have been address with the machine-readable

storage of Claim 11 and the method of Claim 7.

25.   The limitations of Claim 18 have been address with the machine-readable
storage of Claim 11 and the method of Claim 8.

26.   The limitations of Claim 19 have been address with the machine-readable
storage of Claim 11 and the method of Claim 9.

27.   The limitations of Claim 20 have been address with the machine-readable
storage of Claim 11 and the method of Claim 10.

28.   In regards to Claim 21, Ellis teaches a system for providing media in a
communication network (communications network of Fig. 1 that is further detailed in Fig.
7, as described in Col. 7 Line 33—Col. 8 Line 16, Col. 13 Lines 56-60, and Col. 14
Lines 34-39), the system comprising:

        at least one processor that provides communications between a first location and
a web server of a non-broadcast channel provider over the communication network
(Contributor at User Equipment 34 of Fig. 1 (also shown as element 102 of Fig. 7) in
communication with Program Schedule Database 54 over Communications Network 40,
as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—
Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described
in Col. 11 Line 46—Col. 12 Line 16);

        said at least one processor selects said media offered by the non-broadcast
channel provider (interface of Fig. 14 allowing the Contributor to specify the location of
the programming to be uploaded or provided in real time, as described in Col. 11 Lines
60-64);

said at least one processor generates a request from the first location

(Contributor schedules programming at Step 220 of Fig. 15 using the interface of Fig.

14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66) to

receive, at a second location that is remote from the first location, said media from a

non-broadcast channel provider (Viewer at User Equipment 38 of Fig. 1 (also shown as

element 104 of Fig. 7) receiving media from Server 112 according to the schedule

provided by Program Schedule Database 54 in accordance with the method of Fig. 17,

as described in Col. 13 Line 54—Col. 14 Line 33);

said at least one processor sends the generated request to a media exchange

server via the communication network that comprises Internet infrastructure (receive

video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 112 of

Fig. 7, as described in Col. 12 Lines 44-46), wherein the media exchange server

provides device IP registration (internet address information, as described in Col. 13

Line 66—Col. 14 Line 11);

said at least one processor provides authorization information to said web server

of said non-broadcast channel provider which provides said authorization information to

said media exchange server via the communications infrastructure (Contributor

establishes a password for personal television channel in Option 200 of Fig. 14 to

ensure that only the Contributor is able to modify the data associated with the personal

channel, as described in Col. 11 Lines 53-64); and wherein said request and said

authorization information received by said media exchange server causes the media

exchange server to push said media from a storage location to said second location

(Program Schedule Database 54 provides media to Viewer according to schedule

established by Contributor in accordance with Steps 238-248 of Figs. 17-18, as

described in Col. 14 Lines 14-61; wherein the video may be received at an intermediate

transmission facility, such as Server 112, as described in Col. 12 Lines 43-46).

Ellis describes a media exchange server, such as Server 112, acting as an

intermediate transmission facility for the Contributor and the Data Storage Facility 52 in

order to provide media to the Viewer (as described in Col. 12 Lines 43-57), but does not

explicitly disclose providing payment information to said non-broadcast channel provider

or the media exchange server serving as a proxy between the first location, the non-

broadcast channel provider and the storage location, wherein said non-broadcast

provider is unaware of the destination of said media.

In a similar field of invention, Walker teaches a system and method for

establishing anonymous communications between a plurality of party terminals, a

plurality of requestor terminals, and a central controller (Abstract). Walker describes

Central Controller 200 serving as a proxy by controlling the flow of data to and from

Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of

the Party and Requester terminals (as described in Paragraphs [0046-0052, 0056,

0058, 0163] and as shown in Figs. 1 and 2A). Walker additionally discloses Central

Controller 200 acting as a media exchange server (as described in Paragraph [0052];

with further reference to Storage Device 250 of Fig. 2A). Walker also teaches that

Central Controller 200 "debits the requestor's billing account stored in Database 275

and transmits a bill to the requester" (Paragraph [0171]).

Both Ellis and Walker demonstrate similar techniques of providing multimedia content using a media exchange server. Ellis teaches a media exchange server, such as Server 112, acting as an intermediate transmission facility for the Contributor and the Data Storage Facility 52 in order to provide media to the Viewer. Walker teaches Central Controller 200 acting as a media exchange server and additionally demonstrates the server acting as a proxy to provide anonymous communication between Party and Requester terminals. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis to operate as a proxy for anonymous communication, as taught by Walker, in order to protect the identity of the communicating parties (as Walker suggests in Paragraphs [0008-0009]).

The combination of Ellis and Walker teaches a media exchange server, but does not explicitly disclose the media exchange server providing digital rights management.

In a similar field of invention, Russell teaches a system and method for delivery of electronic content to recipient processors, such as a movie rental (Abstract). Russell's system includes Main Server 12 of Figs. 1 and 2, which functions as a media exchange server (as described in Paragraphs [0004, 0032]). Russell additionally discloses that Main Server 12 provides licenses to decrypt multimedia content protected by digital rights management technology (as disclosed in Paragraph [0097]).

Each of Ellis, Walker, and Russell demonstrate similar techniques for providing multimedia content using a media exchange server. Russell additionally teaches using a media exchange server to provide digital rights management. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the media

exchange server of Ellis and Walker to include digital rights management, as taught by

Russell, in order to prevent the content from being decrypted without a valid and

enabled license (as Russell discussed in Paragraph [0013]).

29.   The limitations of Claim 22 have been address with the system of Claim 21 and
the method of Claim 2.

30.   The limitations of Claim 23 have been address with the system of Claim 21 and
the method of Claim 3.

31.   The limitations of Claim 24 have been address with the system of Claim 21 and
the method of Claim 4.

32.   The limitations of Claim 25 have been address with the system of Claim 21 and
the method of Claim 5.

33.   The limitations of Claim 26 have been address with the system of Claim 21 and
the method of Claim 6.

34.   The limitations of Claim 27 have been address with the system of Claim 21 and
the method of Claim 7.

35.   The limitations of Claim 28 have been address with the system of Claim 21 and
the method of Claim 8.

36.   The limitations of Claim 29 have been address with the system of Claim 21 and
the method of Claim 9.

37.   The limitations of Claim 30 have been address with the system of Claim 21 and
the method of Claim 10.

38.   In regards to Claim 31 the combination of Ellis, Walker, and Russell teaches the

system according to claim 21, wherein said at least one processor is one or both of a

media processing system processor, a media management system processor, a

computer processor, a media exchange software processor and/or a media peripheral

processor (Ellis teaches that Servers such as 112 and 116 are media management

system processors, as disclosed in Col. 7 Lines 33-63 and shown in Fig. 7).

39.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Ellis, Walker, and Russell as applied to Claim 1, in further view of Ozzie

et al. United States Patent (6,640,241 B1), hereinafter "Ozzie".

40.   In regards to Claim 34, the combination of Ellis, Walker, and Russell teaches the

method according to Claim 1, but do not explicitly disclose temporarily storing said

media at said storage location if said second location is offline; and after said second

location subsequently goes online, pushing said media to said second location.

        In a similar field of invention, Ozzie teaches a method and system including a

presence mechanism that maintains and distributes network connection status

information (Abstract). In particular, Ozzie discloses that Device Presence Server 812

can be employed to ascertain whether an intended destination is online or offline (Col.

16 Lines 64-66; with further reference to Fig. 8). Additionally, Ozzie teaches that if a

destination is offline, the communications can be made via Relay 814, which then

forwards the message to its destination when it returns online (as described in Col. 16 Line 66—Col. 17 Line 30).

Ellis, Walker, and Russell demonstrate a technique for providing multimedia content using a media exchange server, where information is communicated between peer devices by way of the media exchange server. Ozzie similarly demonstrates a method and system for facilitating communication between peer devices and additionally demonstrates the known concept of storing data when an intended destination is offline and forwarding the data when the destination is online. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis, Walker, and Russell to include the teachings of Ozzie in order to prevent unnecessary data transmission to a device that is not actively connected to a network, which would conserve network bandwidth.

Conclusion

41.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

42.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PATRICK A. RYAN whose telephone number is

(571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am -

5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Wednesday, January 06, 2010

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427